

REMARKS

Claims 1-8 are pending in this application. By this Amendment, claims 3-5, 7 and 8 are amended. Support for the amendments to claims 5 and 7 can be found in the specification as originally filed, for example, at page 56, lines 12-15. The other claim amendments are for clarity, and do not narrow the claims. Thus, no new matter is added by these amendments.

Applicants thank the Examiner for the indication that claims 1-4 are allowable. Applicants also gratefully acknowledge the withdrawal of the April 23, 2003 Restriction Requirement.

The Office Action asserts that Applicants have failed to comply with 35 USC §119(b) because they have not filed a certified copy of the Japanese priority document. However, the application is the U.S. National Stage of an International (PCT) Application, and it is not necessary for Applicants to submit a certified copy of the priority document. In particular, the International Bureau forwards a copy of the certified priority document to the Patent Office. See PCT Rule 17.2(a), MPEP 1828 (third paragraph) and MPEP 1896 part III.

The Office Action rejects claims 5 and 7 under 35 U.S.C. §112, second paragraph. The preamble amendments to claims 5 and 7 overcome this rejection.

The Office Action rejects claims 5-8 under 35 U.S.C. §102(b), or in the alternative, under 35 U.S.C. §103(a), over International Patent Publication WO 98/40319 to Coriand et al. Applicants respectfully traverse these rejections.

The Office Action asserts that Coriand discloses a silica glass member that is substantially identical to the silica glass members of claims 5-8, but which is produced by a different process. Applicants respectfully submit that the silica glass member disclosed in Coriand is not substantially similar to the silica glass members set forth in claims 5-8, for at least the reason that the "strain-induced birefringence (SDB)" of Coriand's Figure 5d, which is

relied upon by the Office Action, is not the same as the signed birefringence value according to independent claims 5 and 7.

The term "signed birefringence value," as set forth in the instant specification, means "a birefringence value to which a sign is given in consideration of the direction of phase advance axis defined in an index ellipsoid in obtaining the birefringence value of an optical member." Specification, page 13, lines 7-11. This differs from the conventional evaluation of birefringence, in which the maximum absolute value of the measured birefringence values is used as the birefringence value for the optical member, and there is no concept of birefringence distribution. See Specification, page 6, lines 17-26.

Coriand nowhere defines the term "strain-induced birefringence." Thus, one of ordinary skill in the art would understand "strain-induced birefringence" to be determined in the conventional manner. See Specification, page 6, line 26. Rather than disclosing a "birefringence value to which a sign is given in consideration of the direction of phase advance axis," Figure 5d would be understood by those of ordinary skill in the art to disclose the maximum birefringence value determined at a given radial distance, without consideration or determination of the direction of the phase advance axis of the silica glass member. Thus, Coriand does not teach or suggest a silica glass member having a signed birefringence value, as set forth in claims 5 and 7.

Further, claims 5 and 7 recite that the maximum value of a gradient of a radial distribution curve of average signed birefringence values is 0.2 nm/cm or less for a radial width of 10 mm. Coriand does not teach or suggest such a maximum value of the gradient of the radial distribution curve. Thus, Coriand does not teach or suggest this feature of claims 5 and 7.

Accordingly, Applicants respectfully submit that claims 5 and 7, and their dependent claims 6 and 8, are patentable over Coriand. Reconsideration and withdrawal of these rejections is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-8 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:
Petition for Extension of Time

Date: December 16, 2003

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